
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DAVID CREEL,

§

Petitioner,

§

versus

§ CIVIL ACTION NO. 9:22-CV-175

SHERIFF, SHELBY COUNTY,

§

Respondent.

§

ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner David Creel, a prisoner confined at the Shelby County Jail, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the petition without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Because Petitioner did not exhaust available state remedies, this petition should be dismissed.

ORDER

Accordingly, Petitioner's objections (#5) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#4) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

Signed this date

Jul 21, 2023



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE